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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/317,844	05/25/1999	TAKAHIRO MATSUURA	35.C13538	9619
5514	7590	03/12/2004		
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER SUKHAPHADHANA, CHRISTOPHER T.	
			ART UNIT 2625	PAPER NUMBER 13
DATE MAILED: 03/12/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/317,844

Applicant(s)

MATSUURA ET AL.

Examiner

Christopher T. Sukhaphadhana

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 4-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings were received on 26 September 2004. These drawings are acceptable.

### ***Response to Amendment***

2. The Amendment filed 03 February 2004 has been entered in full.

### ***Response to Arguments***

3. The only argument of substance regarding the prior art presented by Applicant states that Mowry fails to disclose or suggest the limitation of preparing a table as claimed. While Examiner concedes that neither Mowry nor Ohta expressly disclose preparing such a table, it would have been obvious to one of ordinary skill in the art to prepare such a table in place of Ohta, ref no 1, Fig 2, in order to reduce processing time for large quantities of input values. However, Examiner withdraws the previous rejection in favor of a new ground(s) of rejection made in view of Mowry (U.S. Patent 5,457,491) in combination with Ota (JP 09-326943) and Marsden et al (U.S. Patent 6,225,974 B1).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1, 4, and 7-13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Mowry (U.S. Patent 5,457,491, previously cited, "Mowry") in combination with Ota (JP 09-326943, newly cited, "Ota"; priority application of previously cited Ohta, U.S. Patent 6,124,944) and Marsden et al (U.S. Patent 6,225,974 B1, newly cited, "Marsden").

6. In regards to **claim 1**, Mowry discloses an image processing method (Fig 1) comprising the steps of: holding a profile corresponding to a kind of output target film (ref no 57, Fig 6, and col 13, lines 47-59), the profile including data according to a gray scale chart (col 9, lines 24-29); selecting the profile corresponding to the kind of output target film (col 9, lines 11 and 18); and correcting (col 13, lines 53-59) a color of the input image data using a prepared table.

Mowry does not expressly disclose holding a profile corresponding to a kind of input device, the profile corresponding to a kind of input device including data according to a gray scale chart; inputting input data depending on the input device; and selecting the profile corresponding to the kind of input device; preparing a table to approximate a color reproducibility of the output target film as to a color reproducibility of the input image data using the selected profile corresponding to the kind of input device and the selected profile corresponding to the kind of output target film.

Ota teaches holding a profile corresponding to a kind of input device (ref no 4, drawing 2); inputting input data depending on the input device (upper left of drawing 2); and selecting the profile corresponding to the kind of input device (ref no 2, drawing 2, and paragraph 0021).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Ota's teachings into Mowry's invention because it would create a more efficient

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and effective system by judging whether a color expressed by the entered image data is capable of being reproduced by the output device (Ota, paragraph 0018).

Mowry and Ota do not expressly disclose the profile corresponding to a kind of input device including data according to a gray scale chart; and preparing a table to approximate a color reproducibility of the output target film as to a color reproducibility of the input image data using the selected profile corresponding to the kind of input device and the selected profile corresponding to the kind of output target film.

However, Mowry teaches including data according to gray scale charts into the output profile (col 9, lines 24-29).

It would have been obvious to one of ordinary skill in the art at the time of the invention to include data according to gray scale charts into the profile corresponding to a kind of input device because they form a basis for appropriate translation in a profile (Mowry, col 9, line 29).

Furthermore, Marsden teaches preparing a table (col 11, lines 35-37) to approximate a color reproducibility of an output data as to a color reproducibility of the input image data using a profile corresponding to a kind of input data and a profile corresponding to a kind of output data (col 13, lines 15-43). Note that the table (combined separation table) is a combination of a first separation table and a second separation table (col 9, lines 23-32). The first separation table is based on ref no 351, Fig 9 (paragraph bridging col 11-12) and utilizes at least an input device profile (col 12, line 7). The combined separation table also utilizes the output profile inasmuch that all the output values must be within the output gamut (col 11, lines 1-34).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Marsden's teachings into Mowry and Ota's method where Marsden's teachings replace Ota, ref no 1, because it greatly reduces processing overhead (Marsden, col 13, line 48).

7. In regards to **claim 4**, Ota further discloses in ref no 4, drawing 2, the table being prepared for each of plural color components of the input image data.

8. In regards to **claim 7**, Ota further discloses judging a type of an input device type according to an input image (ref no 2, drawing 2, and paragraph 0021); and determining, in accordance with a result obtained in said judging step, whether the color correction is to be performed (paragraph 0020).

9. In regards to **claim 8**, Ota further discloses the type of input device being described as an ID (paragraph 0021, and ref no 4, drawing 2).

Mowry, Ota, and Marsden do not expressly disclose the ID being within header information for the input image.

It would have been obvious to one of ordinary skill in the art at the time of the invention to store the ID of the type of input device within the header information for the input image because doing such was well-known in the art for transmitting information related to the data that could be used for identification or to assist with processing.

10. In regards to **claim 9**, Mowry, Ota, and Marsden do not expressly disclose the type of input device being the name of a digital camera, a film scanner, or a flat bed scanner.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the name of a digital camera, a film scanner, or a flat bed scanner as the type of

input device because doing such would provide a unique identifier for a set of devices with a similar input profile indicative of the e.g. "input device #1" of Ota, ref no 4, drawing 2.

11. In regards to **claim 10**, color correction may or may not be performed according to Ota regardless of whether the type of input device is a digital camera.

12. In regards to **claim 11**, Ota further discloses the profile for the input device type being automatically selected in accordance with the name of the device (ref no 2, drawing 2, and paragraph 0021).

13. In regards to **claims 12 and 13**, all the elements set forth in this claim have been addressed in the argument of claim 1.

14. **Claims 5-6** are rejected under 35 U.S.C. 103(a) as being unpatentable over Mowry (U.S. Patent 5,457,491, cited above, "Mowry"), Ota (JP 09-326943, cited above, "Ota"), and Marsden et al (U.S. Patent 6,225,974 B1, cited above, "Marsden") as applied to claim 1 above, in further combination with Furukawa et al (*Super high definition image digitizing system*, 1992).

15. In regards to **claim 5**, Mowry, Ota, and Marsden do not expressly disclose the step of emphasizing an edge in a highlighted portion of the color-corrected image data.

Furukawa teaches the step of edge emphasis on p III-530, section 3.3.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the step of edge emphasis from Furukawa with the method of Mowry, Ota, and Marsden because such a step is well-known in the art to improve edge visibility of the image.

16. In regards to **claim 6**, Mowry, Ota, and Marsden do not expressly disclose performing a white balance correction using a look up table prepared on the basis of a highlighted point and a

shadow point of the input image data; and performing color correction for the image data obtained by the white balance correction.

Furukawa teaches on p III-531, section 3.4, performing white balance and color correction as claimed.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the steps of white balance and color correction from Furukawa with the method of Mowry, Ota, and Marsden because such a step is well-known in the art to improve the aesthetics of the image.

### ***Conclusion***

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher T. Sukhaphadhana whose telephone number is 703-306-4148. The examiner can normally be reached on 9a-4p M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh M. Mehta can be reached on (703) 308-5246. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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